

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

KIPTON FLEMING,)
Petitioner,)
v.) Case No. CIV-05-690-C
EDWARD EVANS,)
Respondent.)

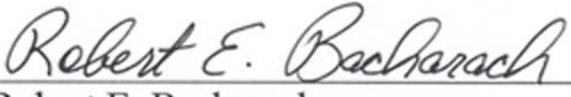
ORDER

The Petitioner filed a *pro se* motion to amend the habeas petition. The Court strikes the motion.

Federal law allows parties to prosecute their actions “personally or by counsel.” 28 U.S.C. § 1654. But the Court generally does not allow hybrid representation with both self-representation and appointment of counsel. *See United States v. Hill*, 526 F.2d 1019, 1025 (10th Cir. 1976) (holding that hybrid representation is not guaranteed by the federal constitution or 28 U.S.C. § 1654).

Mr. Fleming requested an attorney, and the Court appointed one. Mr. Fleming then wanted a new attorney, and the Court granted the request. Mr. Fleming then moved, *pro se*, for leave to amend the habeas petition. With the requested appointment of an attorney, Mr. Fleming must proceed through counsel. Accordingly, the Court strikes the motion to amend.

SO ORDERED this 25th day of March, 2008.



Robert E. Bacharach
United States Magistrate Judge